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NO. 189 P03

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AUG 23 2005

**PATENT**

**DOCKET NO. WEST14-00004**  
**Customer No. 23990**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : PAUL F. STRUHSACKER, ET AL.  
Serial No. : 10/042,705  
Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2681  
Examiner : (Not Yet Assigned)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION UNDER 37 C.F.R. 1.182**

The Applicant hereby petitions for the Request for Official Declaration as mailed on April 19, 2005 and received in the Patent Office on April 22, 2005 be treated as a Petition under 37 C.F.R. § 1.182.

If any issues arise, the Applicant respectfully invites the Patent Office to contact the undersigned at the telephone number indicated below or at [dvenglarik@davismunck.com](mailto:dvenglarik@davismunck.com).

8/24/2005 CNGUYEN 00000015 500208 10042705

1 FC:1462 400.00 DA

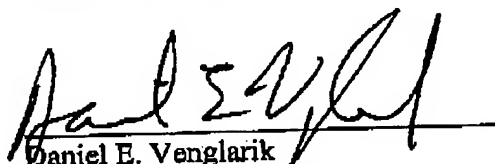
ATTORNEY DOCKET: WEST14-00004  
U.S. SERIAL NO. 10/042,705  
PATENT

The Commissioner is hereby authorized to charge the \$400.00 petition filing fee as well as any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 8-23-05

  
Daniel E. Venglarik  
Registration No. 39,409

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
Email: [dvenglarik@davismunck.com](mailto:dvenglarik@davismunck.com)

Mailed: April 19, 2005  
In re Application of: PAUL F. STRUHSACKER, ET AL.  
U.S. Serial No.: 10/042,705  
Filed: November 15, 2000  
Title: SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Docket No.: WEST14-00004

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Certificate of Mailing by First Class Mail; and
- 2) Request for Official Declaration (w/Exhibits A-E).

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A PROFESSIONAL CORPORATION  
900 THREE GALLERIA TOWER  
13155 NOEL ROAD  
DALLAS, TEXAS 75240

TELEPHONE (972) 628-3600

FACSIMILE (972) 628-3616

## Facsimile Cover Sheet

To: Office of Petitions

Fax: 571-273-8300

From: Daniel E. Venglarik, Esq.

Time: 2:56 PM

Date: August 23 2005

Client/Matter: WEST14-00004

THIS FAX CONSISTS OF 28 PAGE(S) (INCLUDING THIS COVER SHEET).  
IF THERE IS A PROBLEM IN RECEIVING THIS FAX, PLEASE CALL (972) 628-3600

Serial No. 10/042,705 filed November 15, 2000

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AUG 24 2005

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AUG 23 2005

**PATENT****DOCKET NO. WEST14-00004  
Customer No. 23990****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : PAUL F. STRUHSACKER, ET AL.  
Serial No. : 10/042,705  
Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2681  
Examiner : (Not Yet Assigned)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

Sir:

The undersigned hereby certifies that the following documents:

1. Petition Under 37 C.F.R. 1.182

relating to the above application was faxed to (571) 273-8300 on 8/23/05.Date: 8/23/05

Faxed

Date: 8-23-05

*Kathy Cedar*  
*Daniel E. Venglarik*  
Daniel E. Venglarik  
Reg. No. 39,409

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [dvenglarik@davismunck.com](mailto:dvenglarik@davismunck.com)

08/23/05

08:35

DAVIS MUNCK → 915712738300

NO. 189 006

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AUG 23 2005

**DOCKET NO. WEST14-00004**  
**Customer No. 23990**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: : Paul F. Struhsaker, et al.  
Serial No. : 10/042,705  
Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2681  
Examiner : (Not Yet Assigned)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

Sir:

The undersigned hereby certifies that the following documents:

1. Request for Official Declaration (w/Exhibits A-E); and
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 19, 2005.

Date: 4/19/05

Date: 4-19-05

Kathy Cedar  
Mailer  
Daniel E. Venglarik  
Reg. No. 39,409

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
E-mail: [dvenglarik@davismunck.com](mailto:dvenglarik@davismunck.com)

**RECEIVED  
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AUG 23 2005

**DOCKET NO. WEST14-00004**  
**Customer No. 23990****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : PAUL F. STRUHSACKER, ET AL.  
Serial No. : 10/042,705  
Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2681  
Examiner : (Not Yet Assigned)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR OFFICIAL DECLARATION**

The Examining Authority in European Patent Application No. 01983722.8-2412/1348309 has requested an Official Declaration from the United States Patent and Trademark Office regarding (a) the change in serial number in the above-identified application, and (b) confirmation that application serial no. 09/713,684 is effectively abandoned. A copy of the request is attached hereto as Exhibit A.

This application was originally filed as a non-provisional application on November 15, 2000, and assigned serial no. 09/713,684. On October 8, 2001, Applicant filed a petition to convert the non-provisional application to a provisional application (copy attached as Exhibit B). The petition

ATTORNEY DOCKET NO. WEST14-00004  
U.S. SERIAL NO. 10/042,705  
PATENT

was granted on January 8, 2002, and the application was re-assigned serial no. 60/331,350 (keeping the same filing date) (copy of decision attached as Exhibit C).

Prior to the above-identified decision, Applicant filed a request to rescind the petition to convert the non-provisional application into a provisional application (copy attached as Exhibit D). Since this request, received before the above-identified decision, was not acted upon prior to that decision, the request was treated as a petition to convert the provisional application into a non-provisional application, and the application was re-assigned serial no. 10/042,705, once again keeping the same filing date (copy of decision attached as Exhibit E).

Applicant requests an official declaration regarding the above-identified proceedings, and confirmation that application serial no. 09/713,684 is no longer active.

If any issues arise, the Applicant respectfully invites the Patent Office to contact the undersigned at the telephone number indicated below or at [dvenglarik@davismunck.com](mailto:dvenglarik@davismunck.com).



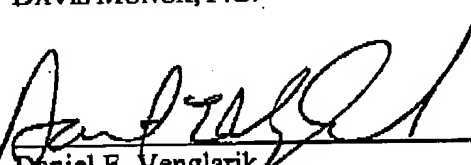
ATTORNEY DOCKET: WEST14-00004  
U.S. SERIAL NO. 10/042,705  
PATENT

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 4-12-05

  
Daniel E. Venglarik  
Registration No. 39,409

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (972) 628-3600  
Fax: (972) 628-3616  
Email: [dvenglarik@davismunck.com](mailto:dvenglarik@davismunck.com)

Due: provide official doc from USPTO - 11/6/05

NK4



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+49 89 2399-0  
TX 523 658 8pmu d  
FAX +49 89 2399-4465

Europäisches  
Patentamt

European  
Patent Office

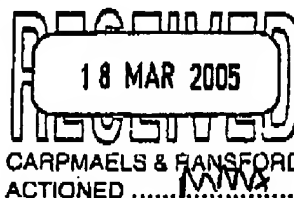
Office européen  
des brevets

Generaldirektion 2

Directorate General 2

Direction Générale 2

Howick, Nicholas Keith  
CARPMAELS & RANSFORD  
43 Bloomsbury Square  
London WC1A 2RA  
GRANDE BRETAGNE



Datum/Date

11-03-2005

Zeichen/Ref./Réf. P034614EP	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n° 01983722.8-2412/1348309
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire Raze Technologies, Inc.	

# BRIEF COMMUNICATION

Subject: ☒ Your letter of 21.01.05  
☒ Our telephone conversation of 25.02.05 and 04.03.05  
☐ Communication of  
☐

Enclosure(s): ☐ Letter from the proprietor of the patent/opponent of

☐ Copy(copies)

☒ Communication:

Please arrange for the USPTO to send us an official declaration, and if possible explanation, regarding the change of number of the earlier application.  
 In view of the protection of the interests of third parties it must also be guaranteed that US 09/713 684 of 15.11.00 does not exist or deals with unrelated subject matter by a different inventor.

Please file observations within a period  
 of 2 months.

This period begins on notification of this letter.

Kerkhofs, Brigitte *B. Kerkhofs*  
 Formalities Officer  
 Tel. No.: (+49-89) 2399-8167

REGISTERED LETTER

Mailed: Oct. 8, 2001  
Serial No.: 09/713,684  
Filed: November 15, 2000  
In re Application of: Paul F. Struhsaker, et al.  
Title: SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Docket No.: WEST14-00004

The following documents were received in the U.S. Patent and Trademark Office on the date stamped below:

- 1) Petition to Convert Non-Provisional Application to a Provisional Application (in duplicate)
- 2) Check for \$50.00 for Petition filing fee
- 3) Certificate of Mailing



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OCT 19 2001

NOVAKOV DAVIS & MUNCK

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DOCKET NO. WEST14-00004

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: : Paul F. Struhsaker, et al.  
Serial No. : 09/713,684  
Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE  
IN WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2683  
Examiner : Philip Sobutka

Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

Sir:

The undersigned hereby certifies that the following documents:

1. Petition to Convert Non-Provisional Application to a Provisional Application Under 37 C.F.R. §1.53(c)
2. Check in the amount of \$50.00 for the Petition filing fee; and
3. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to Commissioner for Patents, Washington, D.C. 20231, on 10/8/01.

Date: 10/8/01Date: 8 Oct. 2001

Mailer

Kathy Longenecker  
John J. Mockler  
John J. Mockler  
Reg. No. 39,775

P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (214) 922-9221  
Fax: (214) 969-7557  
E-mail: jmockler@novakov.com

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DOCKET NO. WEST14-00004  
Customer No. 23990

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Paul F. Struhsaker, et al.  
U.S. Serial No. : 09/713,684  
Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2683  
Examiner : Philip Sobutka

Commissioner for Patents  
Washington, D. C. 20231**PETITION TO CONVERT NON-PROVISIONAL APPLICATION  
TO A PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)**

Dear Sir:

The Applicant hereby petitions to convert the above-identified non-provisional application to a provisional application pursuant to 37 C.F.R. § 1.53(c).

A check in the amount of \$50.00 is enclosed to cover the filing fee for this Petition under 37 C.F.R. 1.17(q).

DOCKET NO. WEST14-00004

U.S. SERIAL NO. 09/713,684

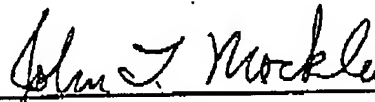
PATENT

The Commissioner is authorized to charge any underpayment or credit any overpayment of the fees associated with the filing of this Petition to Novakov Davis Deposit Account No. 50-0208.

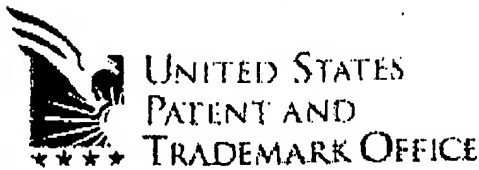
Respectfully submitted,

NOVAKOV DAVIS &amp; MUNCK, P.C.

Date: 8 Oct. 2001

  
John T. Mockler  
Registration No. 39,775

P.O. Drawer 800889  
Dallas, Texas 75380  
Telephone: (214) 922-9221  
Facsimile: (214) 969-7557  
email: [jmockler@novakov.com](mailto:jmockler@novakov.com)



UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

January 8, 2001

Page # 06

John T. Mockler  
P.O. Drawer 800889  
Dallas, Texas 75380

In re Application of:  
Paul F. Struhsaker, et al  
Application No.: 09/713,684  
Filed: November 15, 2000  
Attorney Docket No: WEST14-0004

# DECISION ON PETITION

This is a decision on your petition received in the Patent and Trademark Office on October 11, 2001 treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/331,350. The filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

Betty Robinson  
Office of Initial Patent Examination

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JAN 20 2001

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JAN 18 2002

NOVAKOV DAVIS & MUNCK

■/13/01 17:43:37

USPTO-&gt;

Ri: FAX

TO:Auto-reply fax to 969 7557 COMPANY:

**Auto-Reply Facsimile Transmission**



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

**TO:**

**Fax Sender at 214 969 7557**

### Fax Information

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Received  
Cover  
Page

11/13/81 18143 NOVAKOV DAVIS + 31783872314 NO. 885 081

NOVAKOV DAVIS & MUNCK  
A Professional Corporation  
900 Three Galleria Tower  
13155 Noel Road  
Dallas, Texas 75240  
(214) 922-9221  
(214) 969-7337 FAX

TELECOPY TRANSMISSION SHEET

TO: Attn: Unit 3600 FAX # 201-572-9314  
United States Patent and Trademark Office

FROM: John T. Mockler

DATE: November 13, 2001 TIME: 1:24pm

NUMBER OF PAGES (including cover page): 4

DOCKET #: WEST14-00004  
UNITED STATES SERIAL NO. 09/711,684

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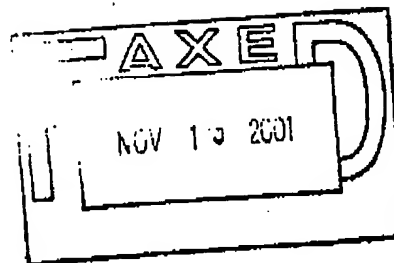
NOVAKOV DAVIS & MUNCK

PAGE 20/28 \* RCVD AT 8/23/2005 9:19:05 AM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/25 \* DNIS:2738300 \* CSID:972 628 3619 \* DURATION (mm:ss):06:32



**NOVAKOV DAVIS & MUNCK**

A Professional Corporation  
900 Three Galleria Tower  
13155 Noel Road  
Dallas, Texas 75240  
(214) 922-9221  
(214) 969-7557 FAX

**TELECOPY TRANSMISSION SHEET**

TO: Art Unit 2600  
United States Patent and Trademark Office

FAX # 703-872-9314FROM: John T. MocklerDATE: November 13, 2001TIME: 3:24pmNUMBER OF PAGES (including cover page): 4DOCKET #: WEST14-00004  
UNITED STATES SERIAL NO. 09/713,684**NOTE:**

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(214) 922-9221.

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☐ Overnight Delivery  
☐ Hand Delivery  
☐ Other

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AUG 23 2005

PATENT

DOCKET NO. WEST14-00004  
Customer No. 23990**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: : Paul F. Struhsaker, et al.  
Serial No. : 09/713,684  
Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE  
IN WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2683  
Examiner : Philip Sobutka

Commissioner for Patents  
Washington, D.C. 20231**CERTIFICATE OF MAILING BY FACSIMILE TRANSMISSION**

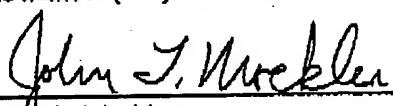
Sir:

The undersigned hereby certifies that the following document:

1. Request to Rescind Petition to Convert Non-Provisional Application to a Provisional Application Under 37 C.F.R. §1.53(c)

relating to the above application, is deposited with the United States Patent and Trademark Office by facsimile transmission to: Group 2600 at facsimile number (703) 872-9314 on November 13, 2001.

Date:

13 Nov. 2001  
John T. Mockler  
Reg. No. 39,775P.O. Drawer 800889  
Dallas, Texas 75380  
Phone: (214) 922-9221  
Fax: (214) 969-7557  
E-mail: jmockler@novakov.com

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CENTRAL FAX CENTER****AUG 23 2005****PATENT****DOCKET NO. WEST14-00004**  
**Customer No. 23990****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Paul F. Struhsaker, et al.  
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Filed : November 15, 2000  
For : SUBSCRIBER INTEGRATED ACCESS DEVICE FOR USE IN  
WIRELESS AND WIRELINE ACCESS SYSTEMS  
Group No. : 2683  
Examiner : Philip Sobutka

Commissioner for Patents  
Washington, D. C. 20231

**REQUEST TO RESCIND PETITION TO CONVERT  
NON-PROVISIONAL APPLICATION TO A  
PROVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(c)**

Dear Sir:

The Applicant hereby requests that the Petition to Convert Non-Provisional Application to a Provisional Application filed on October 11, 2001 be discarded. The Applicant no longer wishes to convert the non-provisional application to a provisional application.

It is further requested that the \$50.00 fee previously submitted with the Petition to Convert be refunded to Deposit Account No. 50-0208.

-1-

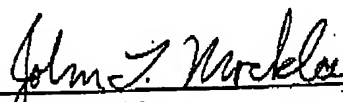
DOCKET NO. WEST14-00004  
U.S. SERIAL NO. 09/713,684  
PATENT

The Commissioner is authorized to charge any underpayment or credit any overpayment of the fees associated with the filing of this Petition to Novakov Davis Deposit Account No. 50-0208.

Respectfully submitted,

NOVAKOV DAVIS & MUNCK, P.C.

Date: 13 Nov. 2001

  
John T. Mockler  
Registration No. 39,775

P.O. Drawer 800889  
Dallas, Texas 75380  
Telephone: (214) 922-9221  
Facsimile: (214) 969-7557  
email: [jmockler@novakov.com](mailto:jmockler@novakov.com)

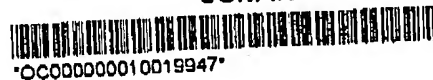


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO.
60/331,350	11/15/2000	Paul F. Struhsaker	WEST 14-00004

CONFIRMATION NO.



William A Munck Esq  
Novakov Davis & Munck PC  
900 Three Galleria Tower  
13155 Noel Road  
Dallas, TX 75240

Date Mailed: 05/13/2003

## DECISION GRANTING REQUEST TO CONVERT TO NON-PROVISIONAL

This is a decision on the request under 37 CFR 1.53(c)(3) received in the U.S. Patent and Trademark Office on 11/13/2001, to convert the above-identified application to a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b).

The request is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a non-provisional application under 35 U.S.C. 111(a) and 37 CFR 1.53(b), including the assignment of a new non-provisional application number.

The non-provisional application number is 10/042,705. The filing receipt for the non-provisional application number will be mailed to the applicant by OIPE in due course.

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JANICE L. TIPPETT  
Office of Initial Patent Examination  
(703) 308-0910

PART 1 - ATTORNEY/APPLICANT COPY

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Paper No. 3

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OFFICE OF PETITIONS

In re Application of  
 Struhsaker et al.  
 Application No. 10/042,705  
 Filed: November 15, 2000  
 Title of Invention:  
 SUBSCRIBER INTEGRATED ACCESS  
 DEVICE FOR USE IN WIRELESS  
 AND WIRELINE ACCESS SYSTEMS

DECISION ON PETITION

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This is a decision on the Request to Rescind Petition to Convert Nonprovisional Application to a Provisional Application under 37 CFR 1.53(c), filed November 13, 2001, which, for reasons stated below, is being treated as a petition to convert a provisional application to a nonprovisional application under 35 U.S.C. 111 and 37 CFR 1.53(c)(3).

The Petition is granted.

The application was filed on November 15, 2000, as a nonprovisional application. A petition to convert the nonprovisional application to a provisional application under 37 CFR 1.53(c) was filed on October 11, 2001. Petitioner filed the instant petition on November 13, 2001, seeking to rescind that request. However, the petition to rescind the conversion request was not timely acted upon and, instead, the petition to convert the application to a provisional application was granted on January 8, 2002<sup>1</sup>.

In view of the foregoing, the petition to rescind the conversion request is being treated as a petition to convert the provisional application back to a nonprovisional application and is granted.

The application file has been assigned nonprovisional application number 10/042,705 and is being returned to the Office of Initial Patent Examination (OIPE) for further processing as a **NONPROVISIONAL** application under 35 U.S.C. 111(b) and 37 CFR 1.53(c)(3), with a filing date of November 15, 2000.

<sup>1</sup>The Decision was erroneously dated January 8, 2001.

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Page 2

Application No. 10/042,705

Telephone inquiries concerning this matter should be directed to  
Petitions Attorney Derek L. Woods at (703) 305-0014.

*Christina Flanigan Donnell for*

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy.

Conferee: Christina Donnell